

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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|--|---|----------------------------|
| GARRETT DAY LLC, <i>et al.</i> |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Case No. 3:15-cv-00036-WHR |
| v. |) | |
| |) | |
| INTERNATIONAL PAPER COMPANY, <i>et al.</i> |) | |
| |) | |
| Defendants. |) | |

ORDER

Upon consideration of Plaintiffs Garrett Day LLC and Ohio Development Services Agency (collectively "Plaintiffs") and Defendant Fraser Papers, Inc. ("Fraser Papers") Joint Motion to Dismiss (the "Motion") and the entire record herein,

WHEREAS, the claims asserted by Plaintiffs in the instant action include claims under the Ohio Voluntary Action Program (the "VAP");

WHEREAS, the VAP provides that "all the owners and operators of the property when the releases of hazardous substances identified and addressed by the voluntary action occurred, and the other persons who caused or contributed to those releases, shall be joined as defendants in a civil action commenced under this section";

WHEREAS, one of the named defendants in this action is Fraser Papers, who allegedly owned the implicated property (either directly or indirectly) from 1996 through 2001;

WHEREAS, it appearing to the Court that, in 2009, Fraser Papers, Inc. (the parent Canadian corporation) and all of its subsidiaries filed for creditor protection under the Company Creditors Arrangement Act in Canada and Chapter 15 of the United States Bankruptcy Code; and


WHEREAS, it appearing to the Court that, pursuant to the bankruptcy, all debts and obligations of Fraser Papers, Inc. (the parent Canadian corporation) and its subsidiaries were released by order of the Canadian Bankruptcy Court, and this release of claims was recognized and given effect by the United States Bankruptcy Court; it is hereby

ORDERED, that the Motion is GRANTED; and it is further

ORDERED that, pursuant to FRCP 41(a)(2), Defendant Fraser Papers, Inc., is DISMISSED from this action with each party to bear its own fees and costs; and it is further,

ORDERED that such dismissal does not prejudice Plaintiffs' claims against the remaining defendants or otherwise render this lawsuit invalid or defective under the pleading requirements of the VAP.

Dated: 5-15-15



Judge Walter H. Rice